

REMARKS

The Examiner is requiring restriction of the claims as follows:

A. Group I: Claims 1-10, drawn to compounds and compositions, classified in classes 540, 544, and 546, various subclasses; and

B. Group II: Claims 11 and 12, drawn to multiple methods of use, classified in class 514, various subclasses.

The Examiner is further requiring the election of species.

In response to the restriction and election requirement, Applicants elect, respectively, Group I, Claims 1-10 and the compound of Example 16 (2-Methyl-5-[3-(6-methyl-pyridin-2-yl)-1H-pyrazol-4-yl]-2H-benzotriazole) for examination purposes. Applicants reserve the right to pursue non-elected and/or cancelled subject matter in a divisional application. Applicants respectfully traverse the restriction requirement.

MPEP § 803 states that the two criteria for a proper requirement for restriction are (1) the inventions must be independent or distinct as claimed, and (2) there must be a serious burden on the Examiner if restriction is not required. Here, the Examiner has not shown that there would be a serious burden on the Examiner if a restriction was not required. The Examiner has shown that only three classes and “various” subclasses need be searched which does not appear to impose a serious burden on the Examiner. For the above reasons, the restriction requirement appears improper. Applicants respectfully request this restriction be withdrawn.

Pursuant to MPEP § 821.04, if the elected product claims are subsequently found allowable, Applicants respectfully request that withdrawn method claims 11 and 12 which depend from or otherwise include all the limitations of the allowable product claims be rejoined.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 16-1445. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

Date: August 18, 2004

By: Christine S. Lee

Christine S. Lee
Attorney for Applicant
Reg. No. 42,788

Customer No. 28523
Pfizer Inc.
Patent Department, MS 8260-1611
Eastern Point Road
Groton, Connecticut 06340
(860) 686-2144